

fending party to leave the gallery.

On Feb. 22, 1950,⁽¹⁹⁾ a visitor with a camera was detected in the gallery:

THE SPEAKER:⁽²⁰⁾ The Chair understands there is a camera in the gallery. Whoever has that camera will remove the camera or remove themselves and the camera immediately. That is a violation of the rules of the House.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a parliamentary inquiry. In that case, it is not the rule to clear the gallery?

THE SPEAKER: Not necessarily.

MR. RANKIN: To clear them of those who are violating the law.

THE SPEAKER: The Chair has just made that suggestion.

§ 6. Office Buildings

The House office buildings are under the control and supervision of the Architect of the Capitol, subject to the approval and direction of the House Office Building Commission.⁽¹⁾ The commission consists of the Speaker and two Members appointed by the Speaker.⁽²⁾ The commission is author-

ized to prescribe rules and regulations governing the use and occupancy of rooms in the House office buildings.⁽³⁾

The procedure for the assignment of rooms in the House office buildings is provided by statute⁽⁴⁾ and by rules adopted by the House Office Building Commission.⁽⁵⁾ Section 178 of title 40 provides that the assignment of vacant offices will be based on written requests filed by Members or Members-elect. If only one such request has been made for a particular vacant office, it will be assigned as requested. If two or more Members request the same vacant office, preference will be

his successor as Speaker is elected or his term as a Representative in Congress expires.

19. 96 CONG. REC. 2152, 81st Cong. 2d Sess.

20. Sam Rayburn (Tex.).

1. 40 USC § 175 (1970).

2. 40 USC § 175 (1970). Under 40 USC § 176 (1970), the Speaker continues as a member of the commission until

3. 40 USC § 175 (1970). Section 183 of title 40 provides that the assignment and reassignment of rooms and other space in the House office buildings shall be subject to the control of the House by rule, resolution, order, or otherwise, and that nothing in sections 177–184 of title 40 (discussed below) shall be construed to affect or repeal the provisions of section 175 of the same title, which places the House office buildings under the control of the Architect of the Capitol, subject to the approval and direction of the House Office Building Commission.

4. 40 USC §§ 177–184 (1970).

5. *House Rules and Manual* §985 (1971).

given to the one “who has been longest in continuous service as a Member and Member-elect of the House.”⁽⁶⁾ If two or more Representatives with equal periods of continuous service, or two or more Representatives-elect request the same vacant office, preference will be given to the one who first files a request.

A Representative or Representative-elect may not have pending at the same time more than one request under section 178 for a vacant room, but he may withdraw a request at anytime.⁽⁷⁾ A Member will be deemed to have relinquished the room previously assigned to him when he is assigned a new room upon his request, or is appointed chairman of a committee having a committee room.⁽⁸⁾ Representatives may exchange rooms with each other, but the exchange will be valid only so long as both remain Members or Members-elect of the House.⁽⁹⁾ Records of room assignments, exchanges and requests, which are kept by the Architect of the Capitol, are open for the inspection of Members.⁽¹⁰⁾

6. For an interpretation of the term “continuous service,” see §6.1. *infra*.

7. 40 USC § 179 (1970).

8. 40 USC § 179 (1970).

9. 40 USC § 180 (1970).

10. 40 USC § 181 (1970).

The House Office Building Commission has adopted rules of procedure for the assignment of vacant offices that are designed to clarify the statutory procedures defined in section 178 of title 40.⁽¹¹⁾ Under these provisions, if an office becomes vacant during a session of Congress, applications for the vacancy will be received for a period of 10 days. The system of priority established in section 178 is generally applicable, in addition to a provision that would establish priority by lot in the event that applications are received at the same time from Members with equal periods of service. Applications from re-elected Members and former Members who wish to change offices at the beginning of a new Congress are received between the Monday following election day on the even years and Dec. 1. The seniority provisions of section 178 again establish priority. On Dec. 5, Members-elect without prior service, or their representatives, draw numbers to determine the order of se-

11. The rules are reprinted in *House Rules and Manual* §985 (1973). In 1968 the commission promulgated a similar set of rules based on seniority to govern the assignment of remodeled rooms in the Cannon House Office Building. See 114 CONG. REC. 22155, 90th Cong. 2d Sess., July 18, 1968.

lection-of the remaining offices. Those who do not participate in the drawing must file written applications for the offices that remain unassigned after the conclusion of the drawing. Members of Congress who will not be Members of the succeeding Congress must vacate their offices by 12 o'clock noon on January 1 before the new Congress convenes.

It is provided by statute that unoccupied space in the House office buildings shall be assigned by the Architect of the Capitol under the direction of the commission and subject to the control of the House of Representatives. 40 USC § 184 (1970).

The commission also adopts rules regulating conduct of persons within the House office buildings, House garages, and the Capitol power plant. For example, on Aug. 26, 1965, the commission promulgated rules which, among other things, regulated soliciting and the taking of photographs within the House office buildings and related facilities.⁽¹²⁾

12. 111 CONG. REC. 23926, 23927, 89th Cong. 1st Sess., Sept. 15, 1965. The regulations make subject to arrest and prosecution those persons who fail to comply with the above provisions, or with those sections which prohibit damaging public property, possessing weapons and explosives, creating disturbances, or obstructing any area covered by the regulations.

At one time,⁽¹³⁾ the seniority of a Member for the purpose of room assignment dated from the beginning of his last uninterrupted service regardless of previous terms of membership in the House. This interpretation of "continuous service", which was rendered on Feb. 8, 1930, by Speaker Nicholas Longworth, of Ohio, as Chairman of the House Office Building Commission, was changed by the commission on Feb. 27, 1967. Under this current ruling, a Member who has had more than one period of uninterrupted service is entitled to have his longest period of uninterrupted service used in determining room assignment priority, even if it is not his last such period.⁽¹⁴⁾

Assignment of Office Suites to Members

§ 6.1 If two or more Members request the same office suite, preference will be given to the Member with a longest period of uninterrupted service, even if it is not his latest period of service.

On Mar. 2, 1967,⁽¹⁵⁾ Speaker John W. McCormack, of Massa-

13. 8 Cannon's Precedents § 3651.

14. See § 6.1, *infra*.

15. 113 CONG. REC. 5218, 90th Cong. 1st Sess.

chusetts, as Chairman of the House Office Building Commission, announced the rule of the commission concerning the computation of seniority, as it relates to the selection and assignment of office space:

MR. MCCORMACK: Mr. Speaker, for the information of the Members, I include an action recently taken by the House Office Building Commission:

ASSIGNMENT OF ROOMS, HOUSE
OFFICE BUILDINGS

In connection with assignment of rooms to Members of the House of Representatives in the House Office Buildings, 40 U.S.C. 178 provides, in part, as follows:

If two or more requests are made for the same vacant room, preference shall be given to the Representative making the request who has been longest in continuous service as a Member and Member-elect of the House of Representatives.

The question was raised before the House Office Building Commission as to whether the wording "longest continuous service" should refer to any period of continuous service whether or not such continuous service occurred before or after a break in service in the House.

At a meeting of February 27, 1967, the House Office Building Commission unanimously ruled on this point, as follows:

"The term 'longest continuous service' as used in 40 U.S.C. 178, governing seniority in assignment of rooms in the House Office Buildings, is held to refer to the longest period of

uninterrupted service as a Member and Member-elect of the House of Representatives (not necessarily the last period of uninterrupted service as held in Cannon's Precedents, Vol. 8, Page 981, Sec. 3651)."

This ruling is effective February 27, 1967 and is being submitted as a matter of record for the information of all Members of the House of Representatives.

Visitors in House Office Buildings

§ 6.2 The House Office Building Commission has jurisdiction over matters relating to the harassment of visitors in the House office buildings.

On May 3, 1935,⁽¹⁶⁾ a parliamentary inquiry was raised concerning the jurisdiction of and the rules adopted by the commission:

MR. [THOMAS L.] BLANTON [of Texas]: Mr. Speaker, may I propound a parliamentary inquiry?

THE SPEAKER:⁽¹⁷⁾ The gentleman will state it.

MR. BLANTON: The Speaker of the House of Representatives is the Chairman of the House Office Building Commission in charge of the House Office Building and which controls these office buildings.

I would like to ask the Speaker if there are any means that a Member

16. 79 CONG. REC. 6894, 74th Cong. 1st Sess.

17. Joseph W. Byrns (Tenn.).

has, under the regulations prescribed by the Commission governing these buildings, to prevent a Washington newspaper from installing a snooper at his office to interrogate and harass every person that goes in or comes out of a Member's office in that Government building?

THE SPEAKER: The Commission is composed of 3 Members and the Speaker is only 1 of the 3. I would be pleased if the gentleman would take the matter up with the Commission as a whole. We will be very pleased to give the gentleman a hearing and discuss the matter with him.

Rules and Regulations as to Use

§ 6.3 Rules and regulations governing the House office buildings have been adopted by the House Office Building Commission.

On Mar. 5, 1973, the House Office Building Commission adopted the following rules:

Pursuant to the authority conferred on the House Office Building Commission by the act of March 4, 1907 (34 Stat. 1365, as amended (40 U.S.C. 175)) the following rules and regulations are promulgated governing the use and occupancy of rooms and spaces, including all terraces, entrances, lobbies, foyers, corridors, cafeterias, restaurants and areas appurtenant thereto, in the Cannon, Longworth, and Rayburn House Office Buildings, in the House Annex, the House of Representatives garages, and the Capitol Power Plant:

(1) Property damage: Willful destruction, damage, desecration or removal of any Government property or part thereof is prohibited.

(2) Photographs: Photographing, televising, recording, or broadcasting of committee proceedings is not permitted, except as provided for by the Rules of the House. Visitors are permitted to take photographs of the public areas in the House office buildings with handheld cameras if the photographs are not intended for commercial purposes. The use of flash equipment or other special photolighting devices, tripods, or other bulky accessory equipment is not permitted unless special permission is obtained from the House Office Building Commission. Applications for such special permission should be made to the Speaker.

(3) Soliciting, commercial ventures, and other nongovernmental activities: The soliciting of alms and contributions, commercial soliciting, and vending of all kinds, the display or distribution of commercial advertising, the collecting of private debts, or the distribution of material such as pamphlets, handbills, and flyers, in any of the areas covered by these regulations is prohibited. This section does not apply to national or local drives for funds for welfare, health, and other purposes sponsored or approved by the House Office Building Commission, or to personal notices posted by employees on authorized bulletin boards.

(4) Weapons and explosives: No person, except members of the Capitol Police and individuals authorized by law, shall enter any of the areas covered by these regulations who has in his possession, either openly or concealed, any dangerous or deadly weapon, explosive,

incendiary, or electronic device, and the use or discharge thereof is prohibited.

(5) Disturbances: The making or any harangue, oration, or the utterance of any loud, threatening, or abusive language or sound, or the use of any device which emits any loud, threatening, or abusive language or sound, is prohibited.

(6) Obstruction: It is forbidden to parade, stand, or move in processions or assemblages, or to obstruct the foyers, corridors, rooms or other areas covered by these regulations, or to display therein any flag, banner, or device designed or adapted to bring into public notice any person, party, organization, or movement.

(7) Compliance with regulations: Persons entering, in, or on the areas covered by these regulations shall comply with all official signs of a prohibi-

tory or directory nature, and, during emergencies, with directions of the Capitol Police or other authorized authority.

(8) Enforcement of regulations: It shall be the duty of all persons employed in the service of the Government in the House Office Buildings to prevent, as far as may be in their power, violations of these regulations, and to aid the Capitol Police and other authorized authority, by information or otherwise, in securing the apprehension of persons violating these regulations.

Any person who fails or refuses to comply with these regulations, or who fails or refuses to comply with directives of the Capitol Police or other authorized personnel, shall be subject to arrest and prosecution.